

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	NO. 1:02-CV-00107
et al.,	:	
	:	
Plaintiffs,	:	
	:	ORDER
v.	:	
	:	
BOARD OF COUNTY COMMISSIONERS	:	
OF HAMILTON COUNTY, OHIO,	:	
et al.,	:	
	:	
Defendants.	:	

In preparation for the February 12, 2004 Status Conference in this matter, the Court finds it necessary to 1) obtain an accounting from Plaintiffs as described herein, and, 2) to establish an agenda for the conference.

The Court understands that funds have been earmarked for the correction of the Hamilton County sewer system since at least 1990. The Court desires an accounting of all of the Metropolitan Sewer District ("MSD") funds made available since 1990 by the federal, state, and county governments, which are in excess of that amount necessary to operate the sewer system. The Court ORDERS the parties to file such an accounting by February 9, 2004.

Next, the Court requests that the parties be prepared to discuss the following at the February 12, 2004 conference:

- 1) The status of the final Consent Decree.
- 2) The parties' accounting of funds expended.
- 3) A summary of public comments received on the Consent Decree.

4) How the Consent Decree ensures accountability:

a)what is the protocol for sewer in basements ("SIBs")?

b)what penalty is enforced against MSD if a SIB claim is filed and no action is taken?

c)what protocol for spending money? Who holds the final authority?

5) Views on the appointment of a Settlement Master.

SO ORDERED.

Dated: January 27, 2004

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge